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OFFICE OF PETITIONS

In re Application of :
Arnaud Pedenon :
Application No. 09/415,018 : DECISION ON PETITION
Filed: 7 October, 1999 :
Atty Docket No. 351891.02300 :

This is a decision on the renewed petition filed on 30 November, 2005, under 37 CFR 1.137(b),¹ to revive the above-identified application.

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

The petition is GRANTED.

The application became abandoned on 16 May, 2003, for failure to timely file a response to the final Office action mailed on 16 January, 2003, which set a three (3) month shortened statutory period for reply. On 20 May, 2003 (certificate of mailing date 15 May, 2003), petitioner filed a one (1) month extension of time and an amendment after final rejection. The examiner determined that the amendment did not place the case in *prima facie* condition for allowance, however, and an Advisory Action was mailed on 18 June, 2003. Notice of Abandonment was mailed on 6 October, 2003. The petition filed on 6 October, 2005, was dismissed on 31 October, 2003.

Petitioner has filed a Request for Continued Examination (RCE) and an amendment as the required reply under 37 CFR 1.114.

This application is being forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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